



Packet No.: 066821-0058

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	: Reed, John C., et al.	Customer No.: 41552
Appl. No.	: 10/748,128	Confirmation No.: 1734
Filed	: December 24, 2003	
Title	: METHODS AND COMPOSITIONS FOR DEREPRESSION OF IAP-INHIBITED CAPASE	
Grp./A.U.	: 1646	
Examiner:	: To be Assigned	

**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee Torrey Pines Institute for Molecular Studies, is the owner of the entire right, title and interest of the above-identified application, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The undersigned Assignee hereby appoints the following attorney(s) and/or agent(s): Deborah L. Cadena, Reg. No. 44048; Cathryn A. Campbell, Reg. No. 31815; Andrea L. Gashler, Reg. No. 41029; David A. Gay, Reg. No. 39200; Matt V. Grumbling, Reg. No. 44427; Astrid R. Spain, Reg. No. 47956 all of

McDERMOTT WILL & EMERY LLP  
4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122

Direct Telephone Calls to: Telephone 858.535.9001

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Serial No.: 10/748,128

The undersigned is authorized to sign on behalf of the Assignee.

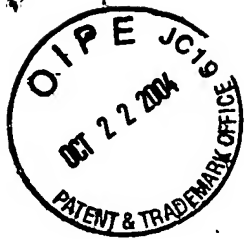
Signature: Peggy Tatzke

Name (typed): Peggy Tatzke

Title: Chief Operating Officer

Assignee: Torrey Pines Institute for Molecular Studies

Date: 8/13/04



**STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Title of Application : METHODS AND COMPOSITIONS FOR  
DEREPRESSION OF IAP-INHIBITED CASPASE ✓

Application Serial No. : 10/748,128

Filed : December 24, 2003

Inventor(s) : Reed et al.

Attorney Client-Matter No. : 66821-058

The Burnham Institute, a non-profit organization, states that it is the co-assignee with Torrey Pines Institute for Molecular Studies of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 8/27/2004

Signature: \_\_\_\_\_

Name: John Campbell

Title: Director of Intellectual Property

The Burnham Institute  
10901 North Torrey Pines Road  
La Jolla, California 92037

Docket No.: 066821-0058

COPY

ASSIGNMENT

WHEREAS WE, John C. Reed of Rancho Santa Fe, California and Kate Welsh of San Diego, California respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled METHODS AND COMPOSITIONS FOR DEREPRESSION OF IAP-INHIBITED CAPASE, executed by me on the date of execution of this document, as shown below, and filed concurrently herewith;

OR

for which an application for United States Letters Patent was filed on December 24, 2003, and identified by United States Serial No. 10/748,128;

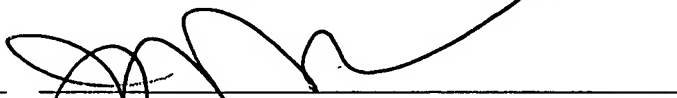
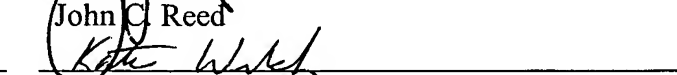
AND WHEREAS, The Burnham Institute, a corporation of the State of California and having an address of 10901 North Torrey Pines Road, La Jolla, California 92037 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto The Burnham Institute, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner for Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said The Burnham Institute, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

9-2-04  
\_\_\_\_\_  
Date  
8-24-04  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John C. Reed  
  
\_\_\_\_\_  
Kate Welsh

STATE OF California)  
COUNTY OF San Diego) SS:

On this 2nd day of September, 2004, before me personally appeared John C. Reed, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

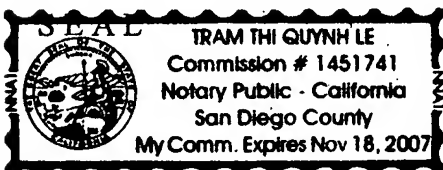


[Signature]  
Notary Public

My commission expires 11/18/2007

STATE OF California)  
COUNTY OF San Diego) SS:

On this 24<sup>th</sup> day of August, 2004, before me personally appeared Kate Welsh, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



[Signature]  
Notary Public

My commission expires 11/18/2007



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application : METHODS AND COMPOSITIONS FOR  
DEREPRESSION OF IAP-INHIBITED CASPASE

Application Serial No. : 10/748,128

Filed : December 24, 2003

Inventor(s) : Reed et al.

Attorney Client-Matter No. : 66821-058

Torrey Pines Institute for Molecular Studies, a non-profit organization, states that it is the co-assignee with The Burnham Institute of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 8/11/04 Signature: Peggy Totzke  
Name: Peggy Totzke  
Title: Chief Operating Officer

Torrey Pines Institute for Molecular Studies  
3550 General Atomics Court  
San Diego, California 92121

Docket No.: 066821-0058

COPY

ASSIGNMENT

WHEREAS WE, Richard A. Houghten of Solana Beach, California, Adel Nefzi of San Diego, California, John M. Ostresh of Encinitas, California and Clemencia Pinilla of Cardiff, California, respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled METHODS AND COMPOSITIONS FOR DEREPRESSION OF IAP-INHIBITED CAPASE, executed by me on the date of execution of this document, as shown below, and filed concurrently herewith;

OR

for which an application for United States Letters Patent was filed on December 24, 2003, and identified by United States Serial No. 10/748,128;

AND WHEREAS, Torrey Pines Institute for Molecular Studies, a corporation of the State of California and having an address of 3550 General Atomics Court, San Diego, California 92121 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto Torrey Pines Institute for Molecular Studies, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

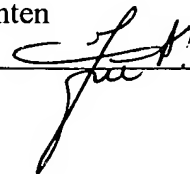
AND We request the Commissioner for Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Torrey Pines Institute for Molecular Studies, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

09/16/04  
\_\_\_\_\_  
Date

09/16/04  
\_\_\_\_\_  
Date

RAH  
\_\_\_\_\_  
Richard A. Houghten

Adel Nefzi



Date 9/16/04

John M. Ostresh  
John M. Ostresh

Date 9/16/04

Clemencia Pinilla  
Clemencia Pinilla

STATE OF CA)  
COUNTY OF SD) SS:

On this 16 day of SEPT., 2004, before me personally appeared Richard A. Houghten, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/~~she~~ executed the same for the uses and purposes therein set forth.

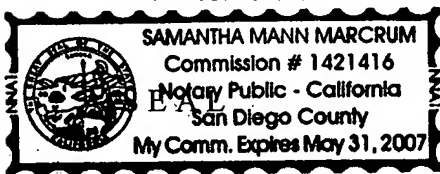


[Signature]  
Notary Public

My commission expires 5/31/07

STATE OF CA)  
COUNTY OF SD) SS:

On this 16 day of SEPT., 2004, before me personally appeared Adel Nefzi, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/~~she~~ executed the same for the uses and purposes therein set forth.



[Signature]  
Notary Public

My commission expires 5/31/07

STATE OF CA)  
COUNTY OF SD) SS:

On this 16 day of SEPT., 2004, before me personally appeared John M. Ostresh, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/~~she~~ executed the same for the uses and purposes therein set forth.



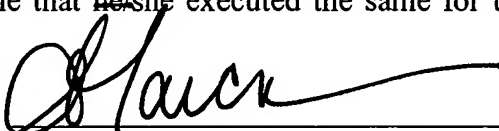
[Signature]  
Notary Public

5/31/07



STATE OF CA )  
 ) SS:  
COUNTY OF SD )

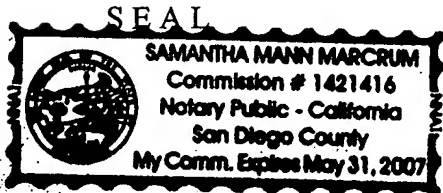
On this 16 day of SEPT., 20 04, before me personally appeared Clemencia Pinilla, to me known to be the person named in and who executed the above instrument, and acknowledged to me that ~~he~~ she executed the same for the uses and purposes therein set forth.



Notary Public

My commission expires 5/31/07

My commission expires 5/31/07





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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee The Burnham Institute, is the owner of the entire right, title and interest of the above-identified application, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The undersigned Assignee hereby appoints the following attorney(s) and/or agent(s): Deborah L. Cadena, Reg. No. 44048; Cathryn A. Campbell, Reg. No. 31815; Andrea L. Gashler, Reg. No. 41029; David A. Gay, Reg. No. 39200; Matt V. Grumbling, Reg. No. 44427; Astrid R. Spain, Reg. No. 47956 all of

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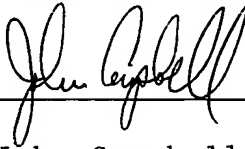
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with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Serial No.: 10/748,128

The undersigned is authorized to sign on behalf of the Assignee.

Signature:



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Name (typed):

John Campbell

Title:

Director of Intellectual Property

Assignee:

The Burnham Institute

Date:

8/27/2004